

**ELSBERG
BAKER +
MARURI**

Elsberg Baker & Maruri PLLC
1 Penn Plaza, Suite 4015
New York, NY 10119
elsberglaw.com

Hon. Paul A. Engelmayer
United States District Court
for the Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

June 10, 2024

**Re: Jane Street Group, LLC v. Millennium Management LLC, Douglas Schadewald,
and Daniel Spottiswood, No. 1:24-cv-02783**

Dear Judge Engelmayer:

I write on behalf of Defendants Douglas Schadewald (“Schadewald”) and Daniel Spottiswood (“Spottiswood,” and together with Schadewald, “Individual Defendants”). Pursuant to Local Civil Rule 7.1.(d) and Individual Practice Rule 4.B, we seek permission to file under seal Individual Defendants’ Amended Affirmative Defenses (the “Amended Affirmative Defenses”).

Individual Defendants believe that the Amended Affirmative Defenses should be made public in their entirety as they do not contain any information that would constitute a “trade secret or other highly confidential business information” sufficient to outweigh the presumption of public access. *See TileBar v. Glazzio Tiles*, 2024 WL 1186567, at *27 (E.D.N.Y. Mar. 15, 2024). Moreover, the weight of the presumption of public access is “heavy” as the Amended Affirmative Defenses are a pleading of central importance to the judicial function. *Under Seal v. Under Seal*, 273 F. Supp. 3d 460, 470 (S.D.N.Y. 2017).

Nevertheless, out of an abundance of caution in light of Plaintiff’s pending motions for leave to seal portions of the Amended Complaint to which the Amended Affirmative Defenses respond (D.I. 62), and to seal portions of Individual Defendants’ prior Answer, Affirmative Defenses and Counterclaims (D.I. 85), the Individual Defendants seek leave to file their Amended Affirmative Defenses under seal. Individual Defendants will meet and confer with Plaintiff regarding any redactions Plaintiff believes are necessary and warranted by law, and file a public version of the Amended Affirmative Defenses by close of business on Wednesday, June 12, 2024. Individual Defendants reserve the right to challenge any redactions proposed by Plaintiff.

Respectfully submitted,

/s/ Brian R. Campbell

Brian R. Campbell

GRANTED.

SO ORDERED



PAUL A. ENGELMAYER
United States District Judge

Dated: June 11, 2024

New York, New York